

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

U.S. COMMODITY FUTURES)
TRADING COMMISSION,)
)
)
 Plaintiff,)
)
)
 v.) Case No. 15 C 3307
)
)
MATTHEW J. MARCUS, et al.,)
)
)
 Defendants.)

MEMORANDUM ORDER

John Briner ("Briner") and MetroWest Law Corp. ("MetroWest") have transmitted a purported "Answer of John D. Briner and MetroWest Law Corp." to the counsel for plaintiff U.S. Commodity Futures Trading Commission ("CFTC") -- a document whose content is really appalling in light in what has gone before in this action. Indeed, that purported responsive pleading flouts both the requirements of the Federal Rules of Civil Procedure ("Rules") and the specific teaching of this Court's June 10, 2015 memorandum opinion and order ("Opinion") that had addressed Briner's earlier errors, and those deficiencies are aggravated by the fact that Briner is a lawyer.

CFTC has understandably renewed its motion for the entry of default against both Briner and MetroWest, and that motion is granted. In addition, pursuant to Rule 11(c)(3) Briner is ordered to show cause by an appropriate filing on or before July 23, 2015 as to why his conduct referred to in the Opinion and in this memorandum order has not violated Rule 11(b). If that showing proves to be unpersuasive, this Court anticipates the possibility of imposing as sanctions both an award to CFTC for its "reasonable expenses, including attorney's fees, incurred for the

motion" (Rule 11(c)(2)) and a fine payable into court (Rule 11(c)(4)), so that Briner's filing would be well advised to address those subjects as well.



Milton I. Shadur
Senior United States District Judge

Date: July 9, 2015